

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DWAYNE YOUMANS,

Defendant.

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8:05CR288

ORDER

A hearing was held on September 8, 2005 regarding Attorney Michael J. Poepsel's Motion to Withdraw at Attorney of Record [24]. The court granted Mr. Poepsel's request and, by separate order, reappointed CJA Panel Attorney Jon S. Natvig to represent the defendant. Because substitute counsel requires additional time to investigate the case and prepare for trial, defendant orally waived speedy trial for the time between August 31, 2005 and September 14, 2005.

IT IS ORDERED:

1. The Motion to Withdraw [24] is granted. The Clerk shall terminate the appearance of Michael J. Poepsel as attorney of record.
2. A Status Conference regarding progression of the case is set for hearing on Wednesday, **September 14, 2005 at 2:00 p.m.** The defendant must appear in person.
3. Any additional time arising as a result of the granting of this motion, that is, the time between **August 31, 2005 and September 14, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, because counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED September 9, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**